

11/5/05

US Dist Ct 01-cv-  
10615 MEL

Pls' Motion to Strike  
All Testimony of  
Peter Ferrancello

To make this Motion on the  
following grounds:

1. The stated purpose at yesterday's side bar was that Ferrancello would be needed to rebut Dr. Daivignon's testimony in regard to his 2005 termination.

No such testimony was given. Instead, Ferrancello was asked about alleged work rules and policies and

ethical matters in years  
2000 and 2001. That was  
not the stated basis yesterday.

2. Perronello has NOT been  
disclosed as a witness in  
any list furnished by counsel,  
supplementary or otherwise.

3. The events in this suit  
all occurred in 2000.  
Perronello did not start  
work for a Sheriff  
until 2001.

4. Pernicello's <sup>oral</sup> testimony of what was in a <sup>written</sup> "work rule" is admissible as ~~violating~~ <sup>evidence</sup>. If such a writing exists, it should be submitted as an exhibit, not orally described.

5. To the extent that I have tried to qualify Pernicello as an expert, or elicit expert testimony, again this was never disclosed to the defense.

11/10/05

Atty. Ray Beauregard